



# Department of Planning, Housing, & Community Development

**Mayor, Richard C. David**  
Director, Dr. Juliet Berling

## ***STAFF REPORT***

TO: Zoning Board of Appeals Members  
FROM: Planning, Housing and Community Development  
DATE: May 22, 2014  
SUBJECT: 8 Cypress Street; Area Variance  
TAX ID #: 144.72-1-11  
CASE: 2015-08

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### **A. REVIEW REQUESTED**

The applicant, Opportunities for Broome, Inc., submitted an application for an Area Variance to permit providing two parking spaces, where four are required, for a two-family dwelling in the R-2 Residential One & Two Unit Dwelling District.

In granting an Area Variance, the Zoning Board of Appeals must weigh the benefit to the applicant if the variance is granted against the detriment to the health, safety, and welfare of the neighborhood or community by such a grant. The following must also be considered:

- (a). **Undesirable change**: Whether an undesirable change will be produced in the character of the neighborhood, or whether a detriment to nearby properties will be created;
- (b). **Reasonable alternative**: Whether the Applicant can achieve his goals via a reasonable alternative that does not involve the necessity of an area variance;
- (c). **Substantial request**: Whether the variance requested is substantial;
- (d). **Physical and Environmental Conditions**: Whether the requested variance will have an adverse impact on the physical or environmental conditions in the neighborhood or district;
- (e). **Self-created hardship**: Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance.

The Zoning Board of Appeals, in granting an area variance, shall grant the minimum variance that it shall deem necessary and adequate, and at the same time preserve and protect the character of the neighborhood and the health, safety, and welfare of the community.

## B. SITE REVIEW

The subject site is located on the north side of Cypress Street, on an 8,357 square foot lot. There are two existing single family structures on the lot that will be demolished and replaced with the proposed two-unit modular dwelling.

Land uses in the vicinity of the site consist primarily of owner-occupied single-family dwellings and two-family dwellings. Almost all homes on the street have driveways to park their vehicles.

## C. PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY

None.

## D. ENVIRONMENTAL IMPACT

The applicant's proposal is a SEQR **Unlisted** Action. The Zoning Board should be the lead agency to determine any environmental significance related to the use and area variances.

1. Motion to determine what type of action:
  - a. Type I
  - b. Type II
  - c. **Unlisted**
2. Determine Lead Agency and other involved agencies.
3. After the Public Hearing, Determination of Significance. The Zoning Board of Appeals is responsible for completing Part 2 & Part 3 of the Environmental Assessment Form (EAF) – see below.

**SEQR EAF Part 2 - Impact Assessment.** The Lead Agency (ZBA) is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the ZBA. When answering the questions the ZBA should be guided by the concept “Have our responses been reasonable considering the scale and context of the proposed action?”

	NO, OR SMALL IMPACT MAY OCCUR	MODERATE TO LARGE IMPACT MAY OCCUR
Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<b>X</b>	
Will the proposed action result in a change in the use or intensity of use of land?	<b>X</b>	
Will the proposed action impair the character or quality of the existing community?	<b>X</b>	
Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<b>X</b>	
Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<b>X</b>	

Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<b>X</b>	
Will the proposed action impact existing: A. public / private water supplies? B. public / private wastewater treatment utilities?	<b>X</b>	
Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<b>X</b>	
Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<b>X</b>	
Will the proposed action result in an increase in the potential for erosion, flooding or drainage Problems?	<b>X</b>	
Will the proposed action create a hazard to environmental resources or human health?	<b>X</b>	

**EAF Part 3 - Determination of significance.** For every question in Part 2 that answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- If the ZBA determines that the proposed action may result in one or more potentially large or significant adverse impacts an environmental impact statement is required.
- The ZBA may issue a Negative Declaration if it is determined that the proposed action will not result in any significant adverse environmental impacts.

## **E. STAFF FINDINGS**

Planning Staff has made the following findings:

- 1. The Zoning Board of Appeals must determine if the requested variance will produce an undesirable change in the character of the neighborhood.**  
The requested area variance will not produce an undesirable change in the neighborhood. It will allow a project which will be an overall improvement by removing to blighted structures and replacing them with one newly constructed home, thereby improving the housing stock and reducing density in the area.
- 2. The Zoning Board of Appeals must determine if there are any reasonable alternatives to the proposed variances.**  
The only alternative is to provide more parking.
- 3. The Zoning Board of Appeals must determine if the proposed area variances are substantial.**  
The requested variance is not substantial. The applicant is requesting a variance for two parking spaces.

4. **The Zoning Board of Appeals must determine whether the alleged difficulty was self-created.**  
The alleged difficulty is self-created.

**F. ENCLOSURES**

Enclosed is a copy of the plans, site photographs, and application.